

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
DECEMBER 14, 2011
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Forrest, Scherer, Potts, Platteter, Cherkassky, Carpenter, Staunton, Fischer, Grabiell

Absent from the roll call was Commissioners Rock and Schroeder.

III. APPROVAL OF MEETING AGENDA

Commissioner Carpenter moved approval of the December 14, 2011 meeting agenda. Commissioner Scherer seconded the motion. All voted aye; motion carried. Agenda approved.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Platteter moved approval of the November 9, 2011, meeting minutes. Commissioner Carpenter seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

No comment.

VI. PUBLIC HEARINGS

B-11-13	Matthew and Stacy Bogart
	6200 Belmore Lane
	A 128.5-foot front yard setback variance

Planner Presentation

Planner Aaker informed the Commission the subject property is located on the north side of Belmore Lane and adjacent to Interlachen Golf Club, The Property consists of a one and one half story home with an attached two car garage built in 1917.

The applicant is proposing to tear down the existing home and rebuild a new home on the property. The site is a 44,657 square foot lot. The existing home is located 28.7 feet from the front lot line. The new home will be built 71.58 feet from the front lot line. The applicant is seeking a front yard setback variance to allow the new home to be built farther back on the lot than the existing home.

The front yard setback is established by averaging the front yard setback of homes on either side of a property or if there is only one home adjacent, then the subject home must match the setback of the adjacent neighbor. In this instance, the only property affecting front yard setback is the home directly east of the subject property that provides a 200 foot front yard setback from Belmore Lane.

Planner Aaker reported that the new home will be substantially larger than the old home and will conform to all of the zoning ordinance requirements with the exception of the required front yard setback..

Planner Aaker concluded that staff recommends that the Planning Commission approve the variance based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with the average front yard setback surrounding properties and will be two and one half times farther back from the front lot line than the existing home currently is.
 - b. The imposed setback severely limits design opportunity. The unique circumstance is the original nonconforming placement of the home.

Approval was also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Survey date stamped: November 23, 2011.
 - Building plans/ elevations date stamped: Oct. 2, 2011.

Appearing for the Applicant

Matthew and Stacy Bogart, property owners.

Applicant Presentation

Mr. Bogart told the Commission he was available to answer questions.

Public Comment

Dennis Hogan, 6204 Belmore Lane, addressed the Commission and read his comments into the record (attached as Exhibit "A").

Motion to close Public Hearing

Commissioner Carpenter moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Discussion

Mr. Bogart addressed the comments from Mr. Hogan.

Mr. Bogart explained when they began studying house design and placement they learned that the Sycamore tree on their property was not only an old tree; but also a very rare tree. To save the tree and to preserve views of the golf course for the Hogan property they centered their home on the lot. Mr. Bogart reported that he worked with Mr. Hogan and his sister on house placement, etc.

Mr. Bogart acknowledged they have children and that the proposed driveway is long. Mr. Bogart, added he was willing to provide landscaping along the common property line with the Hogan's to provide additional buffering of the driveway. Concluding, Mr. Bogart noted that Mr. and Mrs. Hedblom property owners to the north were also present in support of the project.

Commissioners Forrest and Scherer expressed their opinion that the proposed driveway appeared too long and wide; albeit met code. Planner Aaker reported that the proposed driveway met code in both setback and width. Aaker also pointed out driveways can be built right up to the property line; no setback.

Commissioner Staunton acknowledged that Mr. Bogart was amenable to planting landscaping along the common property line; however, it's possible that additional buffering could actually block the view of the golf course from the Hogan property. Staunton asked Planner Aaker for clarification on the variance. Planner Aaker explained that the requested variance was to allow the new house to be built closer to the street than ordinance allows. All other setback and lot coverage requirements are met. Planner Aaker concluded that the subject lot was large.

Commissioner Fischer commented that in this instance there is foundation for granting a variance, adding that he believes the plans as presented work well with the site. Fischer acknowledged the accommodations made by the applicant to accommodate the neighbor.

Motion

Commissioner Staunton moved variance approval based on staff findings and subject to staff conditions. Commissioner Potts seconded the motion.

Commissioner Forrest acknowledged the work between the applicant and the Hogan's but pointed out the Hogan lot would be impacted by construction of a new house. Continuing, Forrest said additional requirements could be placed as conditions of approval.

Commissioner Staunton said in his opinion the variance as requested actually benefits the adjacent Hogan property.

Commissioner Carpenter said he agrees with the comment from Commissioner Staunton, adding that if the Commission feels strongly the Commission could add an additional condition of approval that would require the applicant to provide additional landscaping along the common property line. The Commission could also suggest that the applicant and west neighbor (Hogan) work together on the landscaping plan

Mr. Bogart addressed the Commission and reiterated he was very willing to commit to a landscaping buffer along the common property line with the Hogan's. Mr. Bogart said his commitment was to his property.

A discussion ensued with Commissioners acknowledging that the Bogart's and Hogan's had worked together on house placement and that the verbal commitment by Mr. Bogart to provide additional landscaping on his property was sufficient.

Chair Grabel called for the vote; all voted aye; motion to approve a front yard setback variance carried.

**2011.0013.11a Preliminary Plat Approval
Newboy Addition
Xcel Energy
7777 Washington Avenue South, Edina, MN**

Planner Presentation

Planner Teague informed the Commission Xcel Energy is requesting Preliminary and Final Plat for property located at 7777, 7801, 7807 and 7815 Washington Avenue South. The proposed plat is unique in that it is located in both Edina and Bloomington. There is only one lot located in the City of Edina. (7777 Washington Ave.) No new lot would be created with this plat, and lot located in Edina lot would not change, with the exception of a portion of the 7801 Washington Avenue South lot would be attached to it. In doing so, the parking lot and building at 7777 Washington would be located on the same lot. They currently are located on separate lots. The remaining 7807 and 7815 lots would be combined and reconfigured. The requested Plat would create a reconfigured lot in Bloomington, on which Xcel Energy could build a new electric substation. (See page A8.) The applicant is working with the Nine Mile Creek Watershed District and City of Bloomington to obtain the necessary permits, approvals and platting to accommodate this request. Any approval in the City of Edina should be contingent on approval from the City of Bloomington.

Planner Teague concluded that staff recommends approval of the Preliminary and Final Plat of the Newboy Addition for Xcel Energy at 7777 Washington Avenue South based on the following findings:

- The existing property located within the City of Edina would not be impacted.
- The existing building and associated parking areas would now be located on the same lot.

Approval is also subject to the following Conditions:

1. Final Plat approval by the City of Bloomington.
2. All necessary approvals must be obtained from the Nine Mile Creek Watershed District.

Appearing for the Applicant

Chris Rogers, representing Xcel Energy

Discussion

Commissioner Platteter asked Planner Teague if Edina gains more land with the proposed reconfiguration of lots. Planner Teague responded if approved everything remains the same.

Commissioner Forrest asked Planner Teague if the Park and Recreation easement remains intact. Planner Teague responded in the affirmative.

Chair Grabiell asked if anyone would like to speak to the issue; being none;

Commissioner Platteter moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Motion

Commissioner Carpenter moved preliminary plat approval based on staff findings and subject to staff conditions. Commissioner Fischer seconded the motion. All voted aye; motion carried.

VII. REPORTS & RECOMMENDATIONS

Zoning Ordinance Amendment – Drive-Through Facilities

Planner Teague informed the Commission that Julie Risser, member of the Energy and Environment Commission was present to address proposed changes to the zoning ordinance concerning drive-through windows. To summarize Teague said the proposed ordinance would prohibit drive-through facilities in the PCD-1 District, which was consistent with the recommendation of the Planning Commission in 2009. Teague said the ordinance changes would also add conditions to all drive-through facilities in all zoning districts; including setback requirements, non-idling signage, traffic impact study and air quality standards. Concluding, Teague noted that proposed condition K which addresses air quality standards would be hard to enforce if adopted.

Julie Risser addressed the Commission and explained she was present on behalf of the Energy and Environment Commission. Risser presented to the Commission a draft of a Zoning Ordinance amendment regarding drive-through facilities in the City of Edina. Risser reported that Karwyn Kata (previous student member of the Planning Commission) did much of the research and writing of the proposed ordinance draft.

Discussion

Commissioner Potts asked Risser where the 300-foot setback was established. Risser said that currently Edina's setback requirements for drive-through facilities was minimal, adding she believes the proposed 300-foot setback would be measured from the window itself.

Commissioner Scherer asked Risser how other cities polled address air quality standards. Risser responded most cities don't address this issue and if approved as recommended Edina would be on the cutting edge. Scherer asked Risser if she knows how often air quality standards exceed a rating of 101. Risser responded that it does occur; but mostly during the months of July and August. Risser said at this time the air quality standards are being reviewed.

Commissioners raised the following issues with regard to air quality standards:

- Who issues an air quality alert – Risser responded the PCA issues the alert.
- Is the intent of the ordinance amendment to have the drive-through windows closed if an alert was issued; and if so how would that be enforced.
- Is issuing an alert site specific; could areas within Edina have different readings

Commissioner Staunton commented that condition H. on non-idling makes sense; but wondered if there's confusion on this. He asked Risser if any studies had been done on emissions from stopping and restarting vehicles. Risser said data supports turning off the vehicle; however, the signs would ask drivers to please turn off their vehicles as they wait. It's not mandatory they turn their vehicles off.

A discussion ensued on if turning off ones vehicle actually was of benefit. It was also pointed out that if the recommended signage asks patrons to please turn of their vehicles as they wait; some will and some won't. Risser agreed that turning off the vehicle was voluntary; however she explained that the thought process behind the proposed signage was to educate drivers by making them aware of how long their vehicle idles as they wait at a drive-through; not to mention the gas used.

Commissioner Forrest asked Risser if the EEC ever conducted a study on headlight pollution. Riser said the EEC hasn't tackled light pollution; however it's a good idea.

The Commission questioned the reason a setback for a drive-through window from a residential property was established . Risser said an established setback from residential properties reduce noise pollution, control traffics flow and promotes walkability. The proposed ordinance amendment was to interface with the goals of the Comprehensive Plan. Risser said the EEC really wants to reduce noise from drive-through establishments.

The Commission noted that the 300-foot setback from the drive-through window was one point to measure distance; however, emissions and headlight pollution also impacts residential properties. Maybe reconsider where to establish the setback.

The discussion returned to air quality with the Commission requesting that the following points be reconsidered and reviewed by the EEC before the Commission makes a decision on amending the current ordinance. The Commission asked Risser to further study the proposed ordinance bearing in mind the following:

- Air quality is monitored by the PCA which is regional. The issue than becomes what impact would strict enforcement of the 101 standard create for Edina business owners – would they have to close their "window" and if so how would this impact Edina's businesses when businesses in Richfield, Minneapolis, etc. are not required to comply with the air quality standard.
- Clarify the intent of the "non-idling" sign.

- Create a map pinpointing an Edina drive-through 300-foot setback scenario. How many of Edina's drive-through facilities would be impacted by the 300-foot setback regardless of where it was taken, perimeter of the site or window.
- Is there science supporting turning off the engine vs. idling.

The Commission expressed the opinion that the 300-foot distance was good; it made sense, but when amending and creating new ordinances it's good to know if the proposed changes have ramifications. The Commission also questioned if in this instance businesses with drive-through windows were notified that the City was considering prohibiting or adding conditions to their operation. Planner Teague said he agrees it would be fair to notify drive-through operators that an ordinance had been drafted before the Council holds the public hearing. Continuing, Teague said another way to "handle" drive-through windows could be through the Conditional Use Process.

Chair Grabel thanked Risser for her work and the work of the EEC on the proposed ordinance, adding with all due respect that Risser and the EEC take another look at the proposed ordinance. Risser said she would do that and thanked the Commission.

A discussion ensued on the most efficient way for the Commission to discuss ordinance amendments and new ordinances. It was suggested when time permits that the Commission go back to the "work session" format or have a two-part process before the Commission. Planner Teague agreed adding usually a topic was introduced and the discussion(s) followed.

Zoning Ordinance Amendment – Revisions to Approved Site Plans

Planner Teague reminded the Commission that the Planning Commission previously discussed this issue and as a result of the past discussions staff revised the Ordinance to address the concerns.

Changes to the Ordinance were to Conditions #4 and #5. These changes were added to ensure that minor changes to site plan approvals do not include changes to any conditions required, including building material or color; and no changes may occur in the Heritage Preservation District.

Discussion

Commissioner Staunton asked Planner Teague to clarify for him what the "one time" constitutes. Is there a time limit? Planner Teague clarified that the "one time" has an expiration date of 2-years after final approval.

Motion

Commissioner Carpenter moved to recommend Ordinance Amendment approval as modified. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Zoning Ordinance Amendment – Utility & Mechanical Equipment Ordinance

Planner Teague said the Commission has reviewed the proposed amendment on a number of occasions and the following changes have been added.

- The size of the utility and mechanical equipment that must meet required setback has been reduced from 80 to 36 square feet.
- Grouped equipment that exceeds 36 square feet must also meet the required setbacks.

Discussion

Commissioner Carpenter asked for clarification on if the 36 square feet refers to the footprint of the utility equipment. Planner Teague responded in the affirmative. Carpenter suggested that the reference to 36 square feet be modified to include the word footprint. Teague agreed with the suggested modification.

Commissioner Forrest said another form of utility equipment to keep in mind is the wind generator. Planner Teague agreed adding that wind generators are currently addressed by Ordinance.

Motion

Commissioner Platteter moved to recommend Ordinance Amendment approval with the clarification that the 36 square feet refers to the footprint of the utility equipment. Commissioner Forrest seconded the motion. All voted aye; motion carried.

VIII. CORESPONDENCE AND PETITIONS

Chair Grabiell acknowledged receipt of the Council Connection.

IX. CHAIR AND COMMISSION COMMENTS

Commissioner Staunton updated the Commission on the progress of the Grandview Small Area Plan Committee. Staunton said a draft of the "small area plan" can be found on the City's website. Staunton invited everyone to a public meeting the morning of January 7th.

Chair Grabiell said another venue to get information on what's happening in the City is Facebook on the City's website.

X. STAFF COMMENTS

None.

XI. ADJOURNMENT

Commissioner Potts moved meeting adjournment at 9:00 PM. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker

Respectfully submitted